

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**W.E. AUBUCHON CO., INC., AUBUCHON
DISTRIBUTION, INC., W.E. AUBUCHON CO., INC.
EMPLOYEE MEDICAL BENEFIT PLAN, and
AUBUCHON DISTRIBUTION, INC. EMPLOYEE
MEDICAL BENEFIT PLAN,**

Plaintiffs,

v.

BENEFIRST, LLC,

Defendant.

**CIVIL ACTION No.
05-40159FDS**

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendant BeneFirst, LLC, hereby moves this Court for summary judgment in its favor on all counts in the Plaintiffs' complaint. As grounds therefore, the Defendant relies on the Defendant's Memorandum in Support of its Motion for Summary Judgment, the Defendant's Statement of Undisputed Material Facts in Support of its Motion for Summary Judgment, and the exhibits and testimony upon which they are based, which provides evidentiary and legal authority for the motion.

Respectfully submitted,

BeneFirst, LLC, Defendant,
by its attorneys

/s/ Stephen D. Rosenberg
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LOCAL RULE 7.1(A)(2) CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), the undersigned, as counsel for Defendant BeneFirst, LLC, hereby certifies that he has conferred with counsel for plaintiffs in a good faith effort to resolve or narrow the issues raised by the foregoing motion.

/s/ Stephen D. Rosenberg

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing motion, its accompanying memorandum and statement of undisputed facts, and their attached exhibits were served on the following counsel of record via the Court's CM/ECF system on July 14, 2008:

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